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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,835

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Gerd Forstmann

34874-095 UTIL

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64280

7590

08/15/2008

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.

ATTN: PATENT INTAKE CUSTOMER NO. 64280

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BOSTON, MA 02111

EXAMINER

HASSAN, RASHEDUL

ART UNIT

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2179

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/814,835	<b>Applicant(s)</b> FORSTMANN ET AL.	
	<b>Examiner</b> RASHEDUL HASSAN	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 4-6, 8-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (WO 01/88703 A1) hereinafter Clark, in view of Kothari et al. (US 2004/0205707 A1) hereinafter Kothari.**

For claims 1, 14 and 18, Clark teaches a system for generating a graphical user interface on a display device for aiding a user in using features of a software application, wherein the system performs the method comprising:

***receiving from a user a selection of a layout to be used in generating an informational display for presenting results of a data repository query, wherein the user selects the layout by selecting an existing informational display on which the informational display is to be based*** (e.g., Clark teaches a system and corresponding method for creating new or editing existing data collection applications using predefined software structure and preexisting templates. He teaches an integrated development environment for generating screens of data collection applications, and reports displaying results of data repository queries, from imported or preexisting screens and reports respectively. Both these “screens” and “reports” read on the claimed “informational display” and since the new screens and reports are generated from preexisting screens and reports respectively, it follows that the selection of a layout to be used in generating the new or modified screens and reports come from selecting an existing informational display. See Abstract, p4:21-30, p5:20-p6:28, Fig. 3 and accompanying discussion in p10:8-32, Fig. 10 and accompanying discussion in p14:14-p15:15, Fig. 22 and accompanying discussion in p18:14-p19:26);

***displaying to the user the at least one input field*** (input field labeled as “Enter Title” in Fig. 28) ***and an image of a sample informational display that is based on the selected layout*** (Report preview in Fig. 28), ***the at least one input field being displayed in association with at least one feature shown in the displayed sample image*** (e.g., according to one interpretation the limitation “association” can be interpreted as association by binding or interrelationship. According to such interpretation, the input field “Enter Title” that is being displayed is associated with the

title feature displayed in the preview image since it is well understood that the change entered in the field is to be reflected in the preview image); **and**

***receiving via the at least one input field user input to be used in modifying the at least one feature in the informational display*** (i.e., It is clearly understood by a person of ordinary skill in the art that once a user inputs the title in the input field labeled "Enter Title", the user input is used to modify the title of the generated report).

Clark however, fails to explicitly mention ***extracting, using a filter, at least one user-changeable code portion from the existing informational display by placing the at least one user-changeable code portion in a file, wherein at least one input field is bound to the extracted code portion, the filter recognizing the at least one user-changeable code portion from another portion not changeable by the user, the file isolating the at least one user-changeable code portion from the other portion not changeable by the user;***

In the same field of invention, Kothari teaches a method for logically separating code and content of a program for display and editing with an integrated development environment (see Abstract). He teaches that to facilitate the development of disparate portions of a complex program, it would be useful to separate the code and content to enable each portion to be developed and edited independently by the appropriate group of developers with the appropriate development tools (see [0048]). In order to achieve this, he additionally teaches ***extracting, using a filter*** (e.g., the directive parser, see [0056]), ***at least one user-changeable code portion*** (i.e., this "code portion" can be either the "code" or the "content" in the context of his invention since in the perspective

of a programmer the user-changeable code portion is the "code" portion 650 as illustrated in Fig. 6, and in the perspective of a designer, the user-changeable code portion is the "content" portion 660 as illustrated in Fig. 6, see [0047] and [0053]) **from the existing information display** (e.g., from the existing program as illustrated in Fig. 6) **by placing the at least one user-changeable code portion** (e.g., either the code portion 650 or 660 in Fig. 6 illustrated separately in Fig. 7 or in Fig. 8 respectively) **in a file** (e.g., in respective buffer stored in a storage, see [0057]), **Wherein at least one input field** (e.g., input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9) **is bound to the extracted code portion** (e.g., he mentions, "The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8." See [0062]. That is the fields are bound to the HTML mark-up of the program since any changes made in the design view of Fig. 9 result in corresponding changes in the HTML mark-up of the program. See [0063]. Similarly he teaches that the input fields provided by the Email code builder 330 is used to customize the code based on user input, and thus provide the binding. See [0034]-[0035], [0039]-[0041] ), **the filter recognizing the at least one user-changeable code portion from another portion not changeable by the user** (e.g., the parser recognizing the "code" portion from the "content" portion. In the perspective of a designer, the "content" portion in the context of the reference is the "code portion changeable by the user" as claimed and the "code" portion in the context of the reference is the "another portion not changeable by the user" as claimed, and vice versa in the perspective of a programmer);

Although not required, it is worth mentioning that Kothari additionally teaches, ***displaying to the user the at least one input field*** (e.g., input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9) ***and an image of a sample informational display that is based on the selected layout*** (e.g., HTML view 810 as illustrated in Fig. 8, or the design view 910 as illustrated in Fig. 9 can be interpreted as an image of a sample informational display that is based on the selected layout), ***the at least one input field being displayed in association with at least one feature shown in the displayed sample image*** (e.g., according to one interpretation the limitation “association” can be interpreted as association by binding or interrelationship. According to such interpretation, Kothari teaches this limitation. For instance, he teaches at least one input field being displayed, e.g., input field 912, in association with, i.e., being bound to, at least one feature, e.g., the corresponding code segment, shown in the displayed sample image, e.g., in the HTML view image 810); ***and***

***receiving via the at least one input field user input to be used in modifying the at least one feature in the informational display*** (e.g., according to Kothari, a user can move and edit the controls in design view and thereby modify the look and feel of the program. See [0063]. He further mentions, “The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8.” See [0062]. Therefore, it is apparent that the user input received via the at least one input field, e.g., 912, is used to modify the corresponding code segment in the program).

Therefore, it would have been obvious to an ordinary person skilled in the art having the teaching of Clark and Kothari before him or her at the time of the invention, to modify the method for developing data collection applications using the logical separation of changeable and not-changeable code as taught by Kothari in order to arrive at the present invention. The motivation for such modification would have been to allow separation of the code to enable each portion to be developed and edited by the appropriate group of developers with the appropriate development tools (see [0048]).

For claim 4, Kothari teaches storing the separated code portions in respective separate text storages (see [0057]). Clark on the other hand briefly mentions using XML for storing existing reports when discussing about importing and editing an existing report using a guided process (see page 18 lines 25-33). Therefore, it would have been obvious to a person of ordinary skill in the art having both Clark and Kothari before him or her at the time of the invention ***placing the extracted code portion*** from the existing informational display in a text storage, such as ***in an XML file that is to be modified using the user input, and subsequently using the XML file in creating the new informational display***. The motivation for using XML would have been to take advantage of XML's strict syntax and parsing requirements that makes parsing algorithms extremely simple, efficient and consistent, as well as to take advantage of its' hierarchical structure and platform-independence which is well known in the art and also because it makes common sense to include the extracted information from the existing informational display in a XML document since Clark uses XML document (e.g., the



Report XML) to store information for the report being generated (see page 18, lines 25-33).

For claim 5, Clark and Kothari in combination further teaches ***wherein creating the informational display comprises adding non user-changeable code portions to the XML file*** (since, Kothari teaches merging back the separated code portions into a single composite file. See [0064] and [0067]).

For claim 6, Clark further teaches wherein ***the at least one input field and the displayed sample image are part of a guided process comprising multiple input fields and displayed sample images*** (since Clark teaches utilizing a wizard in his integrated development environment. See Fig. 22-28).

For claim 8, Clark and Kothari in combination further teach ***wherein at least two of the multiple displayed sample images correspond to different configurations of the informational display*** (for instance, the preview sample image, "Report preview" as shown in Fig. 28 in Clark, naturally changes based on different configuration, for example, selection of different templates).

For claims 9 and 19, Clark further teaches ***wherein the user input is at least one selected from the group consisting of: selection of a title for the informational display*** (input field labeled as "Enter Title" in Fig. 28), ***selection of the***

***data repository query to be provided in the informational display*** (Fig. 27),  
***selection of at least one filter value for filtering the results of the data repository query, and combinations thereof.***

For claim 10, Clark and Kothari in combination further teach ***wherein the at least one input field is a drop-down list box with multiple user-selectable inputs*** (e.g., Kothari teaches using pull-down menus to provide selections obtained by the code builder interface. See [0041]).

For claims 11 and 20, Clark further teaches ***wherein displaying the input field in association with the feature comprises displaying the input field on top of the displayed sample image in close proximity to the feature*** (Fig. 28 shows the input field labeled “Enter Title” as displayed on top of the sample preview image and in close proximity to the “Title” feature).

For claim 12, Clark and Kothari in combination further teach ***binding the at least one input field to a code portion in the informational display such that the user input can be used in modifying the at least one feature in the informational display*** (e.g., In Clark, the input field for entering title in Fig. 28 is bound to the code portion in the report display since the change made to the title using the input field modifies the title in the displayed report. Additionally, Kothari also teaches binding the input fields 312, 314, 316, 318, 319 in Fig. 3 or 912, 914, 916 etc in Fig. 9 to the

respective code portions. He mentions, "The illustrated design controls 912, 914, 916, 918, and 919 correspond with the HTML mark-up of the program, shown in Fig. 8." See [0062]. That is the fields are bound to the HTML mark-up of the program since any changes made in the design view of Fig. 9 result in corresponding changes in the HTML mark-up of the program. See [0063]. Similarly he teaches that the input fields provided by the Email code builder 330 is used to customize the code based on user input, and thus provide the binding. See [0034]-[0035], [0039]-[0041]).

For claims 13 and 17, it has already been pointed out in the rejection of claim 2 that Clark teaches binding the at least one input field to the code portion of the informational display. But, Clark does not teach that the binding comprises using an XPATH statement. However, it was a well known technique in the art at the time of the invention to use XPATH statements for binding input fields to XML documents and since W3C (World Wide Web Consortium) released XPATH as a recommendation for a path language to specify a certain part of an XML document, it would have been obvious to a person of ordinary skill in the art to use XPATH as the mechanism for implementing the binding. Clark also does not explicitly teach using the XPATH statement comprises generating a new node in the informational display if the new node is specified by the XPATH statement and does not yet exist in the informational display. This basically means adding additional features in the informational display that are not provided in the selected template but the user wishes to add. Kothari teaches adding additional

features to the informational display. See [0063]. It would have been obvious to a person of ordinary skill in the art to modify Clark's teaching to provide this functionality in order to enhance flexibility in developing or modifying the informational display.

For claim 15, all the limitations recited in the claim are similar to the limitations recited in claims 1, 4, 6, 11 and 12. Therefore, this claim is rejected under the same rationale as recited in the rejections of claims 1, 4, 6, 11 and 12 hereinabove.

**Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and Kothari as applied to claims 6 and 15 respectively above, and further in view of Iremonger et al. (US 7,000182 B1) hereinafter Iremonger.**

For claims 7 and 16, Clark and Kothari in combination do not explicitly teach ***wherein the guided process is selected from a plurality of guided processes based on the selected layout.*** However, Iremonger also teaches an assistant program and corresponding method for creation of layouts/reports for presenting results of a data repository query wherein he teaches that the guided process is selected from a plurality of guided processes based on the selected layout. For example, it is clearly understood by a person of ordinary skill in the art from considering the layout options presented on Fig. 9 that the guided process selected and interface screens presented to the user will differ based on whether the user chooses the layout as a "Columnar List/Report" or as a "Report with grouped data". In the event of user selecting the former layout, obviously

the guided process will not display the dialog box for organizing records by category as shown in Fig. 12. However this dialog box will be displayed as part of the guided process when the user chooses the other layout option (see also column 8, lines 56-61). Therefore, it would have been obvious for a person of ordinary skill in the art to combine the teaching of Iremonger with that of Clark and Kothari in order to arrive at the present invention. The motivation for such combination would have been to ensure providing relevant guidance to the user necessitated by different layout selection by the user.

### ***Response to Arguments***

Applicant's arguments with respect to claim 05/01/2008 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RASHEDUL HASSAN whose telephone number is (571)272-9481. The examiner can normally be reached on M-F 7:30AM - 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rashedul Hassan/  
Examiner, Art Unit 2179

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